

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**CUSTOMER NO. 22927**

Applicants: Walker et al.
Application No.: 09/973,581
Filed: October 9, 2001

Title: **METHOD AND APPARATUS FOR ENTERTAINING CALLERS
IN A QUEUE**

Attorney Docket No. 01-033
Group Art Unit: 2614
Examiner: ANWAH, OLISA

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as (i) a representation that a thorough search has been made; (ii) an admission that the information cited is, or is considered to be, material to patentability; (iii) an admission that no other material information exists; or (iv) an admission that Applicants agree with any statement(s) in the information cited. Nor shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

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This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on the accompanying Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items listed on the enclosed copy of Form PTO-1449 and to independently ascertain their teaching.

Fees

No fee is believed to be due under 37 C.F.R. § 1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(b)(4), before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.

The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0271.

Respectfully submitted,

January 9, 2007



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1-18-2007

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| | | Filing Date October 9, 2001 | Group Art Unit 2614 |

U.S. PATENT DOCUMENTS

| EXAMINEE INITIAL | REF | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB- CLASS | FILING DATE IF APPROPRIATE |
|---------------------|-----|-----------------|----------|----------------------|-------|---------------|-------------------------------|
| OA | A | 3,997,718 | 12/14/76 | Ricketts et al. | 178 | 6.8 | |
| OA | B | 4,468,528 | 08/28/84 | Reece et al. | 179 | 18 B | |
| OA | C | 4,577,067 | 03/18/86 | Levy et al. | 179 | 99 H | |
| OA | D | 4,706,275 | 11/10/87 | Kamil | 379 | 144 | |
| OA | E | 4,788,715 | 11/29/88 | Lee | 379 | 84 | |
| OA | F | 4,893,330 | 01/09/90 | Franco | 379 | 91 | |
| OA | G | 4,953,204 | 08/28/90 | Cuschleg, Jr. et al. | 379 | 266 | |
| OA | H | 4,975,942 | 12/04/90 | Zebryk | 379 | 144 | |
| OA | I | 5,003,584 | 03/26/91 | Benyacar et al. | 379 | 119 | |

FOREIGN PATENT DOCUMENTS

| | REF | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB- CLASS | Translation | |
|----|-----|-----------------|----------|---------|-------|---------------|-------------|----|
| | | | | | | | Yes | No |
| OA | J | WO 98/10558 | 12/03/98 | PCT | | | | |
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OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)

| | | |
|----|---|--|
| OA | K | "Audio.Com (North Miami, Florida) is Working to Turn Telephone Hold Time into a Prime Promotional Opportunity", Advertising Age, December 20, 1982, pg. 24MW1. |
| OA | L | "Callers Don't Mind Hearing Helpful Ads When on Hold", Telecommunication Alert, December 1990, Volume 8, No. 12. |

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|----------|------------|------------------|-----------|
| EXAMINER | Oleg Anweh | DATE CONSIDERED: | 1-18-2007 |
|----------|------------|------------------|-----------|

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| EXAMINER INITIAL | REF | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB-CLASS | FILING DATE IF APPROPRIATE |
|------------------|-----|-----------------|----------|------------------------|-------|-----------|----------------------------|
| OA | M | 5,020,152 | 05/28/91 | Glista, Jr. | 455 | 601 | |
| OA | N | 5,058,152 | 10/15/91 | Solomon et al. | 379 | 67 | |
| OA | O | 5,146,491 | 09/08/92 | Silver et al. | 379 | 114 | |
| OA | P | 5,148,474 | 09/15/92 | Haralambopoulos et al. | 379 | 111 | |
| OA | Q | 5,163,086 | 11/10/92 | Ahearn et al. | 379 | 91 | |
| OA | R | 5,166,974 | 11/24/92 | Morganstein et al. | 379 | 67 | |
| OA | S | 5,204,894 | 04/20/93 | Darden | 379 | 88 | |
| OA | T | 5,222,121 | 06/22/93 | Shimada | 379 | 88 | |
| OA | U | 5,249,219 | 09/28/93 | Morganstein et al. | 379 | 84 | |
| OA | V | 5,251,252 | 10/05/93 | Katz | 379 | 92 | |

FOREIGN PATENT DOCUMENTS

| REF | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB-CLASS | Translation | |
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OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)

| | | |
|----|---|--|
| OA | W | Doyle, T.C., "Wordperfect's Mix" Deejays Offer Users Toll-free Easy Listening", Computer Reseller News, January 6, 1992, pg. 114. |
| OA | X | "Acquisition: US West Marketing Resources Acquires Please Hold Promotions.", Edge, on & about AT&T, March 7, 1994, Vol. 9, No. 293, pg. 25(1). |

EXAMINER *Oliver Anush* DATE CONSIDERED: *1-18-2007*

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| EXAMINER INITIAL | REF | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB-CLASS | FILING DATE IF APPROPRIATE |
|------------------|-----|-----------------|----------|---------------|-------|-----------|----------------------------|
| OA | Y | 5,287,403 | 02/15/94 | Atkins et al. | 379 | 144 | |
| OA | Z | 5,311,574 | 05/10/94 | Livanos | 379 | 88 | |
| OA | AA | 5,353,335 | 10/04/94 | D'Urso et al. | 379 | 67 | |
| OA | BB | 5,359,642 | 10/25/94 | Castro | 379 | 121 | |
| OA | CC | 5,420,926 | 05/30/95 | Low et al. | 380 | 24 | |
| OA | DD | 5,444,774 | 08/22/95 | Friedes | 379 | 266 | |
| OA | EE | 5,469,497 | 11/21/95 | Pierce et al. | 379 | 115 | |
| OA | FF | 5,483,588 | 01/09/96 | Eaton et al. | 379 | 202 | |
| OA | GG | 5,485,510 | 1/16/96 | Colbert | 379 | 145 | |
| OA | HH | 5,488,411 | 01/30/96 | Lewis | 348 | 8 | |

FOREIGN PATENT DOCUMENTS

| | REF | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB-CLASS | Translation | |
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OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)

| | | |
|----|----|---|
| OA | II | Valenz, Shari, "Going Past the Tip of the Iceberg: Unified Messaging and Multimedia Apps are Voice Mail's Future.", Teleconnect, April 1994, Vol. 12, No. 4, pg. 66(28), ISSN: 0740-9354. |
| OA | JJ | Higgins, Terry, "Since we're Always on Hold, We might As Well Dance to it.", Business Journal-Milwaukee, April 9, 1994, Vol. 11, No. 27, pg. 5A(1). |

EXAMINER Olija Anwah DATE CONSIDERED: 1-18-2007

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U.S. PATENT DOCUMENTS

| EXAMINEE R INITIAL | REF | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB- CLASS | FILING DATE IF APPROPRIATE |
|-----------------------|-----|-----------------|----------|------------------|-------|---------------|-------------------------------|
| OA | KK | 5,511,112 | 04/23/96 | Szlam | 379 | 88 | |
| OA | LL | 5,513,117 | 04/30/96 | Small | 364 | 479 | |
| OA | MM | 5,515,421 | 05/07/96 | Sikand et al. | 379 | 67 | |
| OA | NN | 5,521,631 | 05/28/96 | Budow et al. | 348 | 7 | |
| OA | OO | 5,528,670 | 06/18/96 | Elliot et al. | 379 | 89 | |
| OA | PP | 5,537,464 | 07/16/96 | Lewis et al. | 379 | 114 | |
| OA | QQ | 5,546,446 | 08/13/96 | Tsunokawa et al. | 379 | 114 | |
| OA | RR | 5,559,871 | 09/24/96 | Smith | 379 | 115 | |
| OA | SS | 5,561,707 | 10/01/96 | Katz | 379 | 88 | |
| OA | TT | 5,565,908 | 10/15/96 | Ahmad | 348 | 7 | |

FOREIGN PATENT DOCUMENTS

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OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)

| | | |
|----|----|--|
| OA | UU | Day, Charles E., "New Technologies that Facilitate Integrated Inbound/Outbound Marketing", Telemarketing, May 1994, Vol. 12, No. 11, pg. 75(4). |
| OA | VV | Day, Charles E., "Call-blending Technology that Suits your Needs: Predictive Dialer Manufacturer's Perspective", Telemarketing, January 1995, Vol. 13, No. 7, pg. 56(2). |

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|---|-------------|------------------|-----------|
| EXAMINER | Olisa Anwah | DATE CONSIDERED: | 1-18-2007 |
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U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | REF | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB-CLASS | FILING DATE IF APPROPRIATE |
|------------------|-----|-----------------|----------|----------------------|-------|-----------|----------------------------|
| OA | WW | 5,557,109 | 11/19/96 | Stimson et al. | 379 | 112 | |
| OA | XX | 5,581,270 | 12/03/96 | Smith et al. | 345 | 2 | |
| OA | YY | 5,592,537 | 01/07/97 | Moen | 379 | 67 | |
| OA | ZZ | 5,603,078 | 02/11/97 | Henderson et al. | 455 | 5.1 | |
| OA | AAA | 5,608,785 | 03/04/97 | Kasday | 379 | 90 | |
| OA | BBB | 5,621,787 | 04/15/97 | McKoy et al. | 379 | 144 | |
| OA | CCC | 5,638,426 | 06/10/97 | Lewis | 379 | 90 | |
| OA | DDD | 5,651,058 | 07/22/97 | Hackett-Jones et al. | 379 | 201 | |
| OA | EEE | 5,715,298 | 02/03/98 | Rogers | 379 | 91.01 | |
| OA | FFF | 5,729,279 | 03/17/98 | Fuller | 348 | 8 | |

FOREIGN PATENT DOCUMENTS

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OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)

| | | |
|----|-----|---|
| OA | GGG | Manrique, John, "Focus On: Options for On-Hold Messaging Equipment.", Telemarketing, March 1995, Vol. 13, No. 9, pg. 53(3). |
| OA | HHH | Ousey, Alison, "Voice Mail: New Directions." Teleconnect, April 1995, Vol. 13, No. 4, pg. 63(25), ISSN: 0740-9354. |

| | | |
|----------|-------------|------------------|
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|------------------|-----|-----------------|----------|---------------|-------|-----------|----------------------------|
| OA | III | 5,749,075 | 05/05/98 | Toader et al. | 705 | 14 | |
| OA | JJJ | 5,767,894 | 06/16/98 | Fuller et al. | 348 | 8 | |
| OA | KKK | 5,784,565 | 07/21/98 | Lewine | 395 | 200.59 | |
| OA | LLL | 5,818,512 | 10/06/98 | Fuller | 348 | 8 | |
| OA | MMM | 5,818,836 | 10/06/98 | DuVal | 370 | 389 | |
| OA | NNN | 5,825,863 | 10/20/98 | Walker | 379 | 144 | |
| OA | OOO | 5,835,126 | 11/10/98 | Lewis | 348 | 8 | |
| OA | PPP | 5,867,566 | 02/02/99 | Hogan et al. | 379 | 115 | |
| OA | QQQ | 5,872,834 | 02/16/99 | Teitelbaum | 379 | 93.03 | |
| OA | RRR | 5,884,284 | 03/16/99 | Peters et al. | 705 | 30 | |

FOREIGN PATENT DOCUMENTS

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OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)

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|----|-----|--|
| OA | SSS | "Focus on: What to Expect from an On-hold Message Service Provider.", Telemarketing, August 1995, Vol. 14, No. 2, pg. 38(3). |
| OA | TTT | "US Call Center Hardware and Software Markets", Frost & Sullivan, February 1996. |

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|----------|-------------|------------------|-----------|
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|------------------|-----|-----------------|----------|---------------|-------|-----------|----------------------------|
| OA | UUU | 5,946,388 | 08/31/99 | Walker et al. | 379 | 266 | |
| OA | VVV | 6,014,439 | 01/11/00 | Walker et al. | 379 | 266 | |
| OA | WWW | 6,139,431 | 10/31/00 | Walker et al. | 463 | 20 | |
| OA | XXX | 6,178,240 B1 | 01/23/01 | Walker et al. | 379 | 266 | |
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FOREIGN PATENT DOCUMENTS

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OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)

| | | |
|----|-----|---|
| OA | YYY | Kidd, Joe, "Oregon's Symantec Hires Telephone 'QJS' to Entertain Callers", Register-Guard, February 22, 1996. |
| OA | ZZZ | Deixler, Lyle, "Teledata's Call Link for Windows.", Teleconnect, March 1996, Vol. 14, No. 3, pg. 44(2). |

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| | | | |
| OA | AAAA | Hall, Susan Bard, "Hotels Dialing Up 'On Hold' Promos", Hotel & Motel Management, March 18, 1996, Vol. 211, No. 5, pg. 10. | |
| OA | BBBB | Anderson, J, "Microsoft Return of the Arcade.", Computer Gaming World, May 1996, No. 142, pg. 54(1). | |
| OA | CCCC | Ousey, Alison, "On-Hold Messaging.", Teleconnect, September 1996, Vol. 14, No. 9, pg. 54(12). | |
| OA | DDDD | Pulliam, Liz, "College Students May Learn the Hardest Accounting Lessons Outside the Classroom.", The Orange County Register, September 1, 1996, Business Section, Pg. K01. | |
| OA | EEEE | "Kids Phone Usage Another Way for Marketers to get Connected", Phillips Business Information, Inc., January 22, 1997. | |
| OA | FFFF | "CollegeTalk: A must for any family with a student in college.", (http://www.adforce.com/video/ctalk.htm), download date: May 21, 1997. | |
| OA | GGGG | "US West, Qwest Create Phone Alliance", The Arkansas Democrat-Gazette, May 11, 1998, Section: News, pg. D2. | |
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